

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

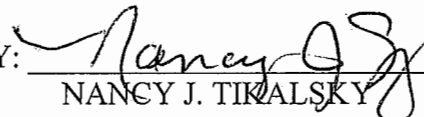
PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB No. 15 -
)	(Enforcement – Air)
CARMEUSE LIME, INC.,)	
a Delaware corporation,)	
)	
Respondent.)	

NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on the 2nd day of July, 2014, I filed with the Clerk of the Illinois Pollution Control Board a Complaint, Stipulation and Proposal for Settlement, and a Motion to Request Relief from Hearing Requirement with Respondent, Carmeuse Lime, Inc., copies of which are attached hereto and are hereby served upon you.

PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN
Attorney General of the
State of Illinois

BY: 

 NANCY J. TIKALSKY
 Assistant Attorney General
 Environmental Bureau North
 69 West Washington Street, Suite 1800
 Chicago, Illinois 60602
 312-814-8567

DATE: July 2, 2014

THIS FILING IS SUBMITTED ON RECYCLED PAPER


SERVICE LIST

Mr. Bradley Halloran
Chief Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street, 11th Floor
Chicago, IL 60601
Brad.Halloran@Illinois.gov

Joseph Freudenberg
Carmeuse Lime, Inc.
1 North Carmeuse Drive
Gary, Indiana 46406
joseph.freudenberg@carmeusena.com

CERTIFICATE OF ELECTRONIC SERVICE

I, NANCY J. TIKALSKY, an Assistant Attorney General, do certify that I caused to be mailed this 2nd day of July, 2014, the foregoing Complaint, Motion to Request Relief from Hearing, Stipulation and Proposal for Settlement and Notice of Filing with Respondent, Carmeuse Lime, Inc., by electronic mail.



NANCY J. TIKALSKY
Assistant Attorney General
Environmental Bureau
69 W. Washington, Suite 1800
Chicago, IL 60602
312-814-8567

CARMEUSE owns and operates a lime manufacturing plant at 3245 East 103rd Street, Chicago, Cook County, Illinois 60617 ("Facility").

4. At all times relevant to this complaint, fine dust emissions resulting from lime manufacturing operations at the Facility were controlled by two (2) rotary kilns, a hydrator, two (2) pulverizer/separators, a hydrated lime bag packer, two (2) lime load out systems, two (2) rail load out systems, two (2) pebble lime bag packers, lime grinding systems, a pulverized lime bag packer, various lime transfer systems, a lime blower tank, a flue dust bard load out system, a spar bin, a reclaim hopper, a lime reclaim system, a lime briquette system, a load out rescreen system, and a flue dust tank.

5. On or around May 1, 2013, or a date better known to the Respondent, CARMEUSE submitted to Illinois EPA an incomplete Annual Emissions Report ("AER") for the 2012 calendar year.

6. On May 24, 2013, the Illinois EPA notified CARMEUSE that it failed to submit the complete AER for the 2012 calendar year.

7. On or around July 3, 2013, or a date better known to Respondent, CARMEUSE submitted to Illinois EPA a revised and complete AER for the 2012 calendar year.

8. Section 9(a) of the Act, 415 ILCS 5/9(a)(2012), provides as follows:

No person shall:

(a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act;

9. Section 3.315 of the Act, 415 ILCS 5/3.315 (2012), provides as follows:

“PERSON” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

10. CARMEUSE is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315(2012).

11. Section 3.165 of the Act, 415 ILCS 5/3.165(2012), provides as follows:

“CONTAMINANT” is any solid, liquid, gaseous matter, any odor, or any form of energy, from whatever source.

12. Section 211.4510 of the Illinois Pollution Control Board (“Board”) Air Pollution Regulations, 35 Ill. Adm. Code 211.4510, provides the following definition:

“PARTICULATE MATTER” means any solid or liquid material, other than water, which exists in finely divided form.

13. The fine dust emitted by lime manufacturing operations at the Facility is “particulate matter” (“PM”) as that term is defined in Section 211.4510 of the Illinois Pollution Control Board (“Board”) Air Pollution Regulations, 35 Ill. Adm. Code 211.4510.

14. The particulate matter emitted by the lime manufacturing operations at the Facility is a “contaminant” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165(2012).

15. Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), provides as follows:

The owner or operator of any emission unit or air pollution control equipment, unless specifically exempted in this Section, shall submit to the Agency as a minimum, annual reports detailing the nature, specific emission units and total annual quantities of all specified air contaminant emissions; provided, however, that the Agency may require more frequent reports where necessary to accomplish the purposes of the Act and this Chapter.

16. Section 212.425 of the Board Air Pollution Regulations, 35 Ill. Adm. Code

212.425: Emission Units in Certain Areas, provides as follows

a) This Section shall apply to those emission units located in those areas defined in Section 212.324(a)(1) of this Part.

b) No person shall cause or allow the emission of PM-10, other than that of fugitive particulate matter, into the atmosphere to exceed the following limits during any one hour period:

* * *

5) 45.8 mg/scm (0.02 gr/scf) for kilns in the lime manufacturing industry;

6) 22.9 mg/scm (0.01 gr/scf) for all other process emission units in the lime manufacturing industry;

17. Section 212.324 of the Board Air Pollution Regulations, 35 Ill. Adm. Code

212.324: Process Emission Units in Certain Areas, provides as follows:

a) Applicability.

1) This Section shall apply to any process emission unit located in any of the following areas:

* * *

B) That area bounded by lines from Universal Transmencator (UTM) coordinate 445000mE, 4622180mN, east to 456265mE, 4622180mN, south to 456265E, 4609020N, west to 445000mE, 4609020mN, north to 445000mE, 4622180mN, in the vicinity of Lake Calumet in Cook County, as shown in Illustration E of this Part;

18. Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code

201.102, provides the following definitions:

“AIR POLLUTION CONTROL EQUIPMENT”: Any equipment or facility of a type intended to eliminate, prevent, reduce or control the emission of specified air contaminants to the atmosphere.

“EMISSION SOURCE”: Any equipment or facility of a type capable of emitting specified air contaminants to the atmosphere.

"OWNER OR OPERATOR": any person who owns, leases, controls or supervises an emission source or air pollution control equipment.

"SPECIFIED AIR CONTAMINANT": any air contaminant as to which this Subtitle contains emission standards or other specific limitations and any contaminant regulated in Illinois pursuant to Section 9.1 of the Act.

19. Section 211.1950 of the Board Air Pollution Regulations, 35 Ill. Adm. Code

211.1950, provides the following definition:

"EMISSION UNIT" means any part or activity at a stationary source that emits or has the potential to emit any air pollutant.

20. Section 211.6370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code

211.6370, provides the following definition:

"STATIONARY SOURCE" means any building, structure, facility, or installation that emits or may emit any air pollutant.

21. Section 211.370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code

211.370, provides the following definition:

"AIR POLLUTANT" means an air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive (including source material, special nuclear material and byproduct material) substance or matter which is emitted into or otherwise enters the atmosphere. Such term includes any precursors to the formation of any air pollutant, to the extent that the relevant statute or rule has identified such precursor or precursors for particular purpose for which the term "air pollutant" is used.

22. CARMEUSE is an "owner" and "operator" of the Facility, as that term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

23. The Facility is an "emission source" and a "stationary source" as those terms are defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102, and Section 211.6370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.6370, respectively.

24. The particulate matter emitted by lime manufacturing operations at the Facility is a "specified air contaminant" and an "air pollutant" as those terms are defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102, and Section 211.370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.370, respectively.

25. The lime manufacturing operations at the Facility is an "emission unit" as that term is defined in Section 211.1950 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.1950.

26. Two (2) rotary kilns, a hydrator, two (2) pulverizer/separators, a hydrated lime bag packer, two (2) lime load out systems, two (2) rail load out systems, two (2) pebble lime bag packers, lime grinding systems, a pulverized lime bag packer, various lime transfer systems, a lime blower tank, a flue dust bard load out system, a spar bin, a reclaim hopper, a lime reclaim system, a lime briquette system, a load out rescreen system, and a flue dust tank are "air pollution control equipment" as that term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

27. Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a), provides as follows:

Failure to file a complete Annual Emissions Report by the applicable deadlines prescribed in Section 254.137(a) of this Subpart shall be a violation of this Part and 35 Ill. Adm. Code 201.302(a).

28. Section 254.137(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.137(a), provides as follows:

All Annual Emissions Reports are due by May 1 of the year following the calendar year in which the emissions took place.

29. CARMEUSE, an owner and operator of an emission unit and air pollution control equipment, was not exempt from the requirements of Section 201.302(a) of the Board Air

Pollution Regulations, 35 Ill. Adm. Code 201.302(a) and, therefore, was required to submit complete AERs for the 2012 calendar year by May 1, 2013.

30. CARMEUSE failed to submit a complete AER to the Illinois EPA for the 2012 calendar year by May 1, 2013.

31. By failing to submit a complete AER for the 2012 calendar year in a timely manner, CARMEUSE violated Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a).

32. By violating Board and Illinois EPA Air Pollution Regulations, CARMEUSE also violated Section 9(a) of the Act, 415 ILCS 5/9(a)(2012).

33. Plaintiff is without an adequate remedy at law. Plaintiff will be irreparably injured, and violations of the applicable and relevant environmental statutes and regulations will continue unless and until the Board grants equitable relief in the form of an order to cease and desist from any further violations and an order to immediately undertake the necessary corrective action that will result in a final and permanent abatement of violations.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an Order against the Respondent, CARMEUSE LIME, INC.

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

2. Finding that Respondent violated Section 9(a) of the Act, 415 ILCS 5/9(a)(2012), Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a).

3. Ordering the Respondent to cease and desist from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a)(2012), and Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a).

4. Ordering Respondent to maintain the necessary corrective action it put in place that will result in a final and permanent abatement of violations Section 9(a) of the Act, 415 ILCS 5/9(a)(2012), Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a).

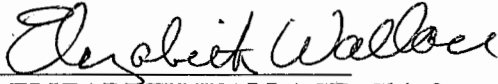
5. Assessing against Imperial, pursuant to Section 42(a) of the Act, a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and regulations promulgated thereunder, with an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

6. Taxing all costs in this action, including, but not limited to, attorney, expert witness and consultant fees, against Respondent; and

7. Granting such other relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,
LISA MADIGAN,
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

By: 
ELIZABETH WALLACE, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel:

Nancy J. Tikalsky
Assistant Attorney General
Environmental Bureau
69 W. Washington St., Suite 1800
Chicago, Illinois 60602
(312) 814-8567

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB No. 15 -
)	(Enforcement – Air)
CARMEUSE LIME, INC.,)	
a Delaware corporation,)	
)	
Respondent.)	

MOTION TO REQUEST RELIEF FROM HEARING REQUIREMENT

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and requests relief from the hearing requirement in the above-captioned matter. In support thereof, the Complainant states as follows:

1. On July 2, 2014, a Complaint was filed with the Illinois Pollution Control Board (“Board”) in this matter. On July 2, 2014, a Stipulation and Proposal for Settlement with Respondent, CARMEUSE LIME, INC., was filed with the Board.

2. Section 31(c)(2) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31(c)(2) (2012), effective August 1, 1996, allows the parties in certain enforcement cases to request relief from the mandatory hearing requirement where the parties have submitted to the Board a stipulation and proposal for settlement.

3. Section 31(c)(2) of the Act, 415 5/31(c)(2) (2012), provides as follows:

Notwithstanding the provisions of subdivision (1) of this subsection (c), whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing pursuant to subdivision (1). Unless the Board, in its discretion, concludes that a hearing will be held, the Board shall cause notice of the stipulation, proposal and request for relief to be

published and sent in the same manner as is required for hearing pursuant to subdivision (1) of this subsection. The notice shall include a statement that any person may file a written demand for hearing within 21 days after receiving the notice. If any person files a timely written demand for hearing, the Board shall deny the request for relief from a hearing and shall hold a hearing in accordance with the provisions of subdivision (1).

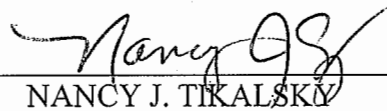
4. No hearing is currently scheduled in the instant case.
5. The Complainant requests the relief conferred by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2012).

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, requests relief from the requirement of a hearing pursuant to 415 ILCS 5/31(c)(2) (2012).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN
Attorney General of the
State of Illinois

BY: _____



NANCY J. TIKALSKY
Assistant Attorney General
Environmental Bureau North
69 West Washington Street, Suite 1800
Chicago, Illinois 60602
312-814-8567

DATE: July 2, 2014

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB No. 15-
)	(Enforcement – Air)
CARMEUSE LIME, INC.,)	
a Delaware corporation,)	
)	
Respondent.)	

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency (“Illinois EPA”), and CARMEUSE LIME, INC., (“Respondent” or “Carmeuse”), (collectively “Parties to the Stipulation”), have agreed to the making of this Stipulation and Proposal for Settlement (“Stipulation”) and submit it to the Illinois Pollution Control Board (“Board”) for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board’s approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1, et seq. (2012), and the Illinois EPA and Board’s Air Pollution Regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties

1. On July 2, 2014, a Complaint was filed on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, on her own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2012), against the Respondent.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2012).

3. At all times relevant to the Complaint, Respondent Carmeuse was and is a Delaware corporation that is authorized to transact business in the State of Illinois.

4. At all times relevant to the Complaint, Respondent owned and operated a lime manufacturing plant at 3245 East 103rd Street, Chicago, Cook County, Illinois 60617 ("Facility").

5. At the time of the alleged violations, Carmeuse operated two (2) rotary kilns, a hydrator, two (2) pulverizer/separators, hydrated lime bag packer, two (2) lime load out systems, two (2) rail load out systems, two (2) pebble lime bag packers, lime grinding systems, a pulverized lime bag packer, various lime transfer systems, lime blower tank, flue dust bard load out system, spar bin, a reclaim hopper, a lime reclaim system, a lime briquette system, a load out rescreen system, and a flue dust tank at the Facility.

B. Allegations of Non-Compliance

Complainant contends that the Respondent has violated the following provisions of the Act and Board regulations:

Count I: **FAILURE TO SUBMIT ANNUAL EMISSIONS REPORT**
Section 9(a) of the Act, 415 ILCS 5/9(a)(2012), Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a).

C. Non-Admission of Violations

The Respondent neither admits nor denies the violation(s) alleged in the Complaint filed in this matter and referenced herein.

D. Compliance Activities to Date

On or around July 3, 2013, Respondent submitted an Annual Emissions Report ("AER") for the year 2012 to the Illinois EPA.

APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2012).

III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2012), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. The Illinois EPA's information gathering responsibilities were hindered by the Respondent's violations thereby threatening human health and the environment.
2. There is social and economic benefit to the facility.
3. Operation of the Facility was and is suitable for the area in which it is located.
4. Submitting timely Annual Emissions Reports pursuant to Board and Illinois EPA regulations is both technically practicable and economically reasonable.
5. Respondent has subsequently complied with the Act and the Board regulations.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2012), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. The Respondent failed to timely submit its Annual Emission Report for the Facility. The violations began on or around May 2, 2013 and were resolved by July 5, 2013.

2. Respondent was diligent in attempting to come back into compliance with the Act, and Illinois EPA and Board regulations, once the Illinois EPA notified it of its noncompliance.

3. Respondent filed the wrong AER form on May1, 2013 and submitted the correct AER form by July 5, 2013. Accordingly, there was a nominal economic benefit for Respondent for its noncompliance in this matter.

4. Complainant has determined, based upon the specific facts of this matter that a penalty of Eight Thousand dollars (\$8,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act.

6. Self-disclosure is not at issue in this matter.

7. The settlement of this matter does not include a supplemental environmental project.

8. A Compliance Commitment Agreement was not at issue in this matter.

V. TERMS OF SETTLEMENT

A. **Penalty Payment**

1. The Respondent shall pay a civil penalty in the sum of Eight Thousand dollars (\$8,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. Payment Procedures

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Nancy J. Tikalsky
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602

C. Future Compliance

1. Respondent shall timely submit all future AERs as required by the Act and Board regulations to the Illinois EPA.

2. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, shall have the right of entry into and upon the Respondent's facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status.

In conducting such inspections, the Illinois EPA, its employees and representatives, and the

Attorney General, her employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

3. This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

4. The Respondent shall cease and desist from future violations of the Act and Illinois EPA and Board Regulations that were the subject matter of the Complaint.

D. Release from Liability

In consideration of the Respondent's payment of the \$8,000.00 penalty, its commitment to cease and desist as contained in Section V.C.4 above, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the violations of the Act and Board regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed on July 2, 2014. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Respondent.

E. Enforcement of Stipulation

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

F. Execution of Stipulation

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

COMPLAINANT


PEOPLE OF THE STATE OF ILLINOIS

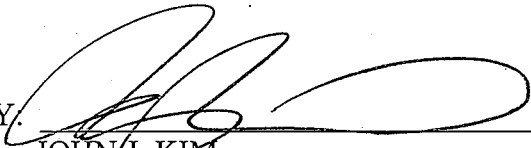
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

LISA MADIGAN
Attorney General
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

LISA BONNETT, Director

BY: 
ELIZABETH WALLACE, Chief
Assistant Attorney General
Environmental Bureau

BY: 
JOHN J. KIM
Chief Legal Counsel

DATE: 7/1/14

DATE: 7/1/14

RESPONDENT

CARMEUSE LIME, INC.

By: _____

Its: _____
[title of signatory]

DATE: _____

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

COMPLAINANT

PEOPLE OF THE STATE OF ILLINOIS

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

LISA MADIGAN
Attorney General
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

LISA BONNETT, Director

BY: _____
ELIZABETH WALLACE, Chief
Assistant Attorney General
Environmental Bureau

BY: _____
JOHN J. KIM
Chief Legal Counsel

DATE: _____

DATE: _____

RESPONDENT

CARMEUSE LIME, INC.

By: *K. J. [Signature]*

Its: *VP and General Counsel*
[title of signatory]

DATE: *June 22, 2014*